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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/657,679	09/08/2000	Marc A. Edlein	D-43378-01	2639

28236 7590 12/06/2006

CRYOVAC, INC.
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EXAMINER

MIGGINS, MICHAEL C

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 12/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/657,679

Applicant(s)

EDLEIN ET AL.

Examiner

Michael C. Miggins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-106 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-106 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

REJECTIONS WITHDRAWN

1. All of the 102 and 103 rejections set forth in the non-final rejection of 4/18/06, pages 2-4, paragraphs 3-8 have been withdrawn.

REJECTIONS REPEATED

2. There are no rejections repeated.

NEW REJECTIONS

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-26, 36, 39, 56-61, 77, 87 and 93-94, 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patrick et al. (US 6060136) in view of Elms (US 3976614).

Patrick discloses a food packaging (column 4, lines 35-62) comprising an antifog film and a printed image on the antifog film, the image comprising an ink (column 2, lines 5-19, column 12, lines 15-56 and column 13, lines 31-46 especially since the entire film is treated with radiation thus causing cross-linking).

Patrick fails to teach solvent containing thermoset inks.

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Elms teaches thermoset (column 5, line 59 through column 6, line 7) inks (column 2, line 34) containing melamine or urethane resins (column 4, lines 5-11) and solvents (column 4, line 33). The inks give water resistant coatings (abstract).

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided solvent containing thermoset inks in the packaging of Patrick in order to provide water resistant coatings as taught or suggested by Elms.

5. Claims 27-35, 37-38, 40-55, 62-76, 78-86, 88-92, 95 and 97-106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patrick et al. (US 6060136) in view of Elms (US 3976614), as applied to claims 1-26, 36, 39, 56-61, 77, 87 and 93-94, 96 above, and further in view of Fairbanks (US 4008115).

Patrick fails to disclose radiation cured overcoats on inked polymer layers.

Fairbanks shows, in Fig. 1, radiation curable (column 4, lines 15-30) coatings 46 on inked 22 (column 3, line 34) polymer films 18 (column 4, lines 50-56). The final products are solvent and abrasion resistant (abstract).

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided radiation cured overcoats on inked polymer layers in the packaging of Patrick in order to provide final products which are solvent and abrasion resistant.

ANSWERS TO APPLICANT'S ARGUMENTS

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6. Applicant's arguments have been carefully considered but are moot in view of the new grounds for rejections set forth above.

Applicant's alleged unexpected results are appreciated and have been carefully considered. However, the unexpected results are not commensurate in scope with the independent claims because none of the independent claims recite improved anti-fog properties in terms of a quantity.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is 571-272-1494. The examiner can normally be reached on 1:00-10:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael C. Miggins

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Primary Examiner
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A handwritten signature in black ink, appearing to read "Michael Rys", followed by a long horizontal stroke that ends in a small upward hook.

MCM
April 17, 2006